

FILED

JAN 27 2020

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

1 Shikeb Saddozai-CDCR#Ay1590  
2 Corcoran State Prison(CSP)  
3 P.O. Box 3461  
4 Corcoran California 93212  
5 In Pro se

6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

8 SHIKEB SADDOZAI

Case No.18-cv-05558-BLF

9 Plaintiff,

10 v.

11 CLAWSON,et al.,

12 Defendant.  
13  
14

PLAINTIFF'S DECLARATION IN  
SUPPORT OF MOTION FOR  
RECONSIDERATION OF  
APPOINTMENT OF COUNSEL  
UNDER NEW GROUNDS NECESSARY  
FOR DUE PROCESS

15 Shikeb Saddozai states:

- 16  
17 1. I am the plaintiff/petitioner in this case. I make this  
18 declaration in support of my motion to ensure I receive access  
19 to the courts and to be free from retaliation as a result of my  
20 access to the court.  
21  
22 2. On or about November 12,2019,while in the custody of Ironwood  
23 State Prison(ISP),assigned to housing unit-B2-201L,correctional  
24 officer(s):A.Sanders, F.Duenas, J.Salcedo,responsible,illegally  
25 seized and confiscated my personal property containing my legal  
26 documents and materials,relating to my active court deadlines,  
27 litigations,complaints,and appeals,while In Pro se,and under  
28 direct criminal appeal for custody offense,outside my presence

1 knowledge,nor consent,with no access or control for me to  
2 obtain my property,and at all times,withheld at (ISP)Release  
3 and Receiving(R&R),from my possession.

4 3. Correctional officer(s):Sanders and Duenas,intercepted submittal  
5 of my inmate request for interview,via a written request process  
6 addressed to (ISP)facility Chief,Deputy,and Head-Warden(s) for  
7 correspondence ~~thereby~~preventing me from seeking help regarding  
8 threats to my life by inmates unlawfully motivated and influenced  
9 by correctional officer(s):Rojas, Zamora, Duran, out of  
10 retaliation to my inmate complaints for staff misconduct in the  
11 use of force,fear,threats,harassment,and retaliation.

12 4. Correctional officer(s):Sanders,and Duenas,conducted a recorded  
13 interrogation,agreed to transfer me to an alternate yard  
14 facility within (ISP) as an alternative means of seperation  
15 from inmate abusers and retaliatory staff.

16 5. Said correctional officers failed committing to their promise  
17 and increased my security level from a lower level to maximum  
18 custody level,and refered me to Administrative-Segregation-Unit  
19 (ASU),commonly known as the"Hole"without a hearing,included loss  
20 of property and privileges,devoid of disciplinary,without reason  
21 as punitive harassment and reprisal to impose discipline from  
22 using the inmate complaint system,thus preventing me from  
23 initiating civil action.

24 6. Correctional officer(s):Sanders and Duenas,used injurious force  
25 improperly placed me in handcuffs excessively tight against my  
26 protest that handcuffs are causing me pain,cuts,bruising,and  
27 numbness over six hours when I presented no threat to staff,  
28 myself or others and while being the victim of an incident

- 1 7. Correctional officer(s): Sanders, Duenas, Salcedo, actions were  
2 adverse to my health, welfare, and safety causing me extreme  
3 emotional, and physical distress resulting in my transfer to a  
4 Mental Health Crisis Bed (MHCB), and placed in the Mental Health  
5 Services Delivery System (MHSDS), under the Correctional Clinical  
6 Case Management System (CCCMS), level of care at the California  
7 Institution for Men (CIM).
- 8 8. While in (CIM) custody, at all times, I was isolated to my cell  
9 quarters in medical station-1-Cell-115L, exceeding 24-hour  
10 confinement, and cell feeding, forced to eat with my hands,  
11 without access or control in obtaining my personal property  
12 consisting of my food, hygiene, appliances, clothing, stationary,  
13 and legal materials, continued to be withheld from my possession  
14 at (ISP) facility, which failed to immediately follow me to (CIM),  
15 thereby preventing me from responding or notifying the court,  
16 attorney, and family of my circumstances.
- 17 9. I was repeatedly denied access to (CIM) law library and  
18 resources nor would correctional officers: S. Huss, and other staff  
19 unknown at this time give me inmate complaint form or other various  
20 CDCR request forms, thereby preventing me from grieving the  
21 conditions in my confinement, seeking relief, and exhausting my  
22 administrative remedies.
- 23 10. On November 21, 2019, I was transferred from (CIM) facility to my  
24 designated custody prison at Corcoran State Prison (CSP), in which  
25 placement at prison is inconsistent to my case factor needs  
26 imposed as punitive purpose made evident by being placed on  
27 lockdown upon my arrival isolating me to cell quarters exceeding  
28 24-hour-confinement and cell feeding, without reason or disciplinary  
actions, excluding my property, privileges with no means to  
communicate with the court, attorney, family for over 15-days.

- 1 11. My legal and personal incoming mail correspondence have been  
2 deliberately withheld at prior (ISP) and (CCI) institutions,  
3 failed to immediately follow me and or returned to sender by  
4 institutions or purposefully delayed beyond the reasonable time  
5 in receiving forwarded mail pursuant to policy and procedure  
6 of CDCR, thereby restricting me from receiving and corresponding  
7 with the court, attorney, and my family from actual date of sent  
8 mail, resulting in penalties.
- 9 12. On or about November-21,22,24-to the-29th, and December-4,7,11,12  
10 of 2019, I submitted multiple completed inmate requests for  
11 interview with staff, and or request items and services via a  
12 written request process, seeking a response to issues and concerns  
13 related to my lockdown status, loss of property, lack of law-  
14 library access, placement needs, mental health and medical issues,  
15 etc., which were accepted, signed, and dated by assigned housing  
16 unit officer(s), and provided with a return receipt verifying  
17 date of submittal addressed to the intended staff: Assigned(CSP)  
18 Correctional Counselor-P.Romero, Supervisor Correctional Coun-  
19 selor-M.Oliveira, Litigation Coordinator-M.Kimbrell, Appeal  
20 Coordinator-J.Ceballos, Chief Deputy and Head-Warden(s)-  
21 M.Gamboa, & K.Clark, Supervisor Law Librarian-M.Lirones,  
22 Medical and Mental Health Professionals, and
- 23 13. Within three working days of prescribed time limits after  
24 receipt, respondents/staff repeatedly failed and refused to  
25 respond to my inmate requests, thereby denying me a timely  
26 resolution, and upon being provided advance knowledge of my  
27 court actions and living conditions continued denying me access  
28 to law library and resources-i.e., indigent envelopes, draft paper  
writing materials, and means needed to communicate with the court,  
attorney, family, to seek help, nor provided me access to my property.

- 1 14. On December 3, 2019, Correctional counselor-P. Romero, assigned me  
2 to prison job duties, involuntarily, forcing me to work five days  
3 a week over 40 hours during morning and evening shifts, knowingly  
4 knew would interfere with and prevent me from initiating,  
5 maintaining, and prosecuting legal litigation activities, and  
6 from my only opportunity accessing prison law library during  
7 operational schedules for law library resources-i.e. legal copies  
8 legal research and print from legal reference materials and from  
9 the Lexis-Nexis-System, and legal envelopes upon completion to be  
10 submitted for mailing via law library legal mail services, in  
11 addition to my physical disabilities, all of which Romero was  
12 provided advance notices of and continued my job assignment,  
13 thereby impeding, frustrating, and impairing my right of access to  
14 the courts.
- 15 15. On December 22, 2019, upon receiving my personal property from  
16 (CSP)(R&R) officer-T. Noland, in charge of inmate property, I  
17 discovered my legal documents and miscellaneous items missing  
18 and destroyed made obvious from property form (CDCR-1083), which  
19 property officer(s): Casteneda, and P. Kuntz failed to account for  
20 quantity for all my property items prior to institutional  
21 transfer from (ISP).
- 22 16. Correctional officer-Noland, threatened me to sign property  
23 return form against my will to conceal the damages and loss of  
24 my property I alerted him to under force, fear, threat, prior to  
25 inventorizing my property, in addition to damaging my legal  
26 documents by intentionally cutting through boxes knew would  
27 shred my paper work, and repeatedly reviewed my confidential-  
28 legal documents without my consent, as well as threatening to  
seize my legal documents if I complained about the theft and  
destruction of my property by sending institution, in which officer  
failed to note, resulting me to refuse to sign property form.

17. On November-22,25,26,27,28,29, December-2,3,4,5,6,12,13,16,17,18, 19,20,23,24,25,26,27,30,31, 2019, and January-1,2,3,6,7,8,of 2020 (CSP)facility law library failed to operate pursuant to institutional schedule,and upon my advance notices,failed and refused providing me physical access to law library and its resources to make legal copies,conduct legal research and print from the Lexis-Nexis-System obtain legal materials-i.e.draft paper,legal forms,Proof of Service,and legal envelopes only available during physical access to facility law library which can only be acomplished by appointment via inmate priority ducat pass, nor did law librarian respond to, or resolve my Inmate Requests for Services/Interview/or Items,needed to prosecute my active court deadlines,litigations,complaints,and appeals,while self represented In Pro se,and under direct criminal appeal for custody offense,thereby has obstructed my access to the court.
18. On January 10,2020,Correctional officer(s):A.Reguera,and other officer(s) unknown at this time failed and refused accepting my out-going legal mail addressed to the United States District Court on my active case after authorizing contents of my correspondence,without reason,and as a result of officers interference I am restricted from sending out my legal mail causing me exceptional delay and to amass a pile of undelivered mail.
19. On January 9,11,13,2020,in using the inmate complaint system at (CSP)facility to stop persistent series of threats,harassment, and retaliation by prison officials,correctional officer(s): Kiaris,Torres, Sergeant's-Hubber, Medina, Torres, Mason, Case, repeatedly interfered with my prison complaints and threatened me with force,violence, fear, harassment and ordered me to withdraw my inmate complaints or officer's would beat me up, in addition made inappropriate sexual,and racial discriminatory comments.

1 20. On or about November 22, to December 29, 2019, I submitted various  
2 CDCR-602-Appeal/Inmate complaints to (CSP) Inmate Office of  
3 Appeals Coordinator regarding my living conditions, health  
4 problems, harassments, threats, retaliation by correctional  
5 officers, counselor, medical and mental health staff and my  
6 complaints filed for said abuse and mistreatment went ignored  
7 without being responded, accepted and processed, leaving my  
8 issues unresolved, untreated, without remedy and inviting  
9 additional reprisal actions by (CSP) prison officials.

10 21. Prison officials have "Red Flagged" me through the Strategic  
11 Offender Management System (SOMS), acknowledged by housing unit  
12 officer-Torres, as a System used to identify groups, personal  
13 character, records or backgrounds, the way prisoners are treated  
14 and housed, including photo-copies of my inmate complaints  
15 submitted against prison officials, posing significant obvious  
16 risks of serious harm and or foreseeable to a reasonable law  
17 enforcement official that a serious violent act is likely to  
18 occur, has caused me prejudice, bias, stimulating and condoned  
19 violence by prison officials in my custody inviting numerous  
20 reprisal actions, effecting me for my life span, are viewed by  
21 correctional officers and staff in activities set by their  
22 secrecy code of conduct, and my files which have been altered  
23 and modified without a court order, has imposed additional cruel  
24 and unusual punishment against me established by prison  
25 officials withholding my personal and legal mail correspond-  
26 ence, placed on lockdown without reason or hearing, property  
27 confiscated outside my access or control, and repeatedly  
28 harassed, threatened, and retaliated against.



1 22. I am clinically assessed inaccordance with the Mental Health  
2 Services Delivery System(MHSDS),under the Correctional Clinical  
3 Case Management System(CCCMS),level of care,established with a  
4 letter from a mental health professional submitted as evidence  
5 in addition to taking psychotropic care medications showing  
6 evidence of my incompetence,triggering the courts duty in order-  
7 ing me counsel, also sufficient to raise is the destruction and  
8 missing legal documents between institutional transfers,as well  
9 as the district courts responses to my pleadings contained  
10 seemingly authoritative citations and without access to facility  
11 law library nor will law librarian print citations repeatedly  
12 denied to me that are relied on by the court to make its ruling  
13 I will be unable to rebut the courts arguments,placing me at  
14 even greater disadvantage.

15 23. I have multiple health problems and physical disabilities  
16 verified in my patient discharge information incapacitating me  
17 from my legal litigation activities requiring the need of  
18 assistance from counsel to advance in my litigations

19 23. For the foregoing reasons, the court should grant my motion  
20 in all respects.

21 PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY  
22 THAT THE FOREGOING IS TRUE AND CORRECT.

23 Date: January 22, 2020

24 A. Abdozai

25 Declarent In Pro se  
26  
27  
28